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6 SYNGENTA CROP PROTECTION, INC.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 (SAN FRANCISCO DIVISION)

11 VALENT U.S.A. CORPORATION AND
SUMITOMO CHEMICAL CO., LTD.,

12 Plaintiffs,

13 v.

14 SYNGENTA CROP PROTECTION, INC.,

15 Defendant.
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CASE NO. 08-cv-0720 VRW

**SYNGENTA CROP PROTECTION,
INC.'S ADMINISTRATIVE MOTION
FOR FILING UNDER SEAL;**

**SUPPORTING DECLARATION OF
ERIK R. PUKNYS;**

~~PROPOSED~~ ORDER

Hearing Date: June 26, 2008
Hearing Time: 2:30 p.m.
Courtroom No. 6, 17th Floor

ADMINISTRATIVE MOTION FOR FILING UNDER SEAL

1. Papers Submitted For Filing Under Seal in Their Entireties

Pursuant to Civil Local Rules 7-11 and 79-5(b) and (d), Defendant Syngenta Crop Protection, Inc. hereby requests leave of Court to file under seal in their entireties the following documents being lodged with the Clerk:

a. Exhibit 1 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint. Exhibit 1 consists of a April 2, 2007 letter from Jonathan D. Sullivan to Gerhart Marchand. This communication contains sensitive business information regarding licensing between Syngenta and Bayer Cropscience AG. Accordingly, the exhibit should be filed under seal from public view.

b. Exhibit 2 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint. Exhibit 2 consists of an April 23, 2007 letter from Nobuyuko Shinkai to Jonathan D. Sullivan. This communication contains sensitive business information and reflects confidential negotiations between the parties. Accordingly, the exhibit should be filed under seal from public view.

c. Exhibit 3 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint. Exhibit 3 consists of a May 7, 2007 email from Jonathan D. Sullivan to Nobuyuko Shinkai. This communication contains sensitive business information and reflects confidential negotiations between the parties. Accordingly, the exhibit should be filed under seal from public view.

d. Exhibit 4 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint. Exhibit 4 consists of a May 30, 2007 letter from Nobuyuko Shinkai to Robert Durand. This communication contains sensitive business information and reflects confidential negotiations between the parties. Accordingly, the exhibit should be filed under seal from public view.

e. Exhibit 5 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint. Exhibit 5 consists of a July 31, 2007 letter from Robert Durand and Hans Fricker to Nobuyuko Shinkai. This communication

1 contains sensitive business information and reflects confidential negotiations between the parties.
2 Accordingly, the exhibit should be filed under seal from public view.

3 f. Exhibit 7 to the Declaration of Robert Durand in Support of Syngenta's
4 Reply In Support of its Motion to Dismiss Plaintiff's Complaint. Exhibit 7 consists of a August 3,
5 2007 e-mail from Nobuyuko Shinkai to Robert Durand. This communication contains sensitive
6 business information and reflects confidential negotiations between the parties. Accordingly, the
7 exhibit should be filed under seal from public view.

8 g. Exhibit 8 to the Declaration of Robert Durand in Support of Syngenta's
9 Reply In Support of its Motion to Dismiss Plaintiff's Complaint. Exhibit 8 consists of an August
10 22, 2007 e-mail from Nobuyuko Shinkai to Robert Durand. This communication contains sensitive
11 business information and reflects confidential negotiations between the parties. Accordingly, the
12 exhibit should be filed under seal from public view.

13 As required by Civil Local Rule 79-5(b) and (d), Defendant is lodging with the Clerk copies
14 of these exhibits for filing under seal.

SUPPORTING DECLARATION OF ERIK R. PUKNYS

I, Erik R. Puknys, declare as follows:

I am an attorney licensed to practice before this Court and all courts of the State of California, and am a partner with Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P., counsel for Plaintiffs in the above-entitled action. I submit this declaration in support of the Syngenta Crop Protection, Inc.'s Administrative Motion for Filing Under Seal. The matters stated herein are based upon my personal knowledge, and if called as a witness, would testify as to the following statements.

The representations made above in this Administrative Motion are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and this declaration was executed this 19th day of June, 2008 at Palo Alto, California.

By _____ / s /
Erik R. Puknys
Attorney for Defendant Syngenta Crop Protection,
Inc.

~~PROPOSED~~ ORDER

Upon good cause shown, **IT IS HEREBY ORDERED** that the following documents be filed under seal:

Exhibit 1 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint;

Exhibit 2 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint;

Exhibit 3 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint;

Exhibit 4 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint;

Exhibit 5 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint;

Exhibit 7 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint; and

Exhibit 8 to the Declaration of Robert Durand in Support of Syngenta's Reply In Support of its Motion to Dismiss Plaintiff's Complaint.

IT IS SO ORDERED.

Dated: June 24, 2008

